



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christian John COOK

Serial No.: 09/936291

Group Art Unit: 1616

Filed: January 8, 2002

Examiner: Neil S. Levy

For: AGENTS AND METHODS FOR PROMOTING
PRODUCTION GAINS IN ANIMALS

THIRD INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

As a means of complying with the duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §§1.97 and 1.98, Applicant(s), through the undersigned attorney, submits this Information Disclosure Statement. The patents, publications or other information submitted herewith are listed on the attached Form PTO-1449 and copies are attached.

In accordance with 37 CFR §1.97(c), this Information Disclosure Statement is being filed after the period set forth in 37 CFR §1.97(b), but before the mailing date of either a Final Action under 37 CFR §1.113 or a Notice of Allowance under 37 CFR §1.311.

The patents and publications listed on Form PTO-1449 were cited in an Australian Search Report mailed not more than three months ago in a counterpart Australian patent application. A copy of the Australian Search Report is enclosed.

Certification in accordance with 37 CFR §1.97(e) is included herein. Accordingly, it is respectfully submitted that no fee is required by the filing of this Information Disclosure Statement.

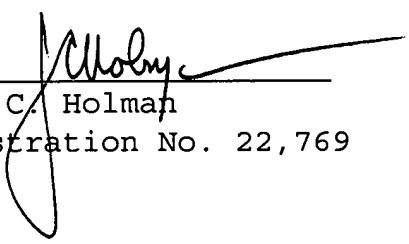
CERTIFICATION

It is hereby certified that the first citation of any item(s) by a foreign patent office in a counterpart foreign application was not made, in any communication from the foreign patent office, more than three months prior to the filing of this statement.

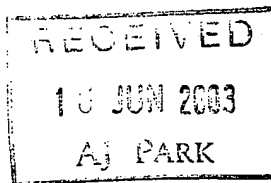
Respectfully submitted,

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6 June 2003

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Your Ref : P446987 TVG/add

Examiner's first report on patent application no. 33372/00
by THE HORTICULTURE AND FOOD RESEARCH INSTITUTE OF NEW ZEALAND LIMITED

Last proposed amendment no.

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet and the amendments already made under the Articles of the PCT dated 22 March 2001 and 8 May 2001. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. There is no Notice of Entitlement on file. You will need to file one because an application without a Notice of Entitlement cannot be accepted. ✓
2. The invention as claimed in Claims 34 to 36 lacks novelty in light of the following documents:

US 5643954A (KOMISSAROVA, Irina Alexeevna et al.) 1 July 1997

US 5270341 (KEANE, Peter-Eugène et al.) 14 December 1993

Claims 34 (and dependent Claims 35 to 36) merely disclose a method for treating stress comprising the administration of at least one antistress agent. This claim is therefore clearly not novel and does not involve an inventive step. This is shown in the above documents, where it is known to use antistress agents in a prophylactic manner, and administer antistress agents to aid patients in the recovery from stress associated with illness, injury or trauma.

3. The invention as claimed in Claims 1, 29 to 31, and 50 lacks novelty in light of the following document:

AU-A-30122/99 (Solutia Inc.) 21 October 1999

(note: this document has been cited as a Whole-of-Contents type document)

The above document discloses compositions comprising a therapeutic agent and at least one antistress agent, and the use of such compositions for the promotion of animal production gain.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse. You will need to pay a monthly fee for any response you file after 12 months from the date of this report.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Michael Grieve', written over a horizontal line.

MICHAEL GRIEVE
Examiner of Patents, Section B3
Telephone: (02) 6283 2267